

Appln. No. 10/730,846  
Amendment dated Aug. 22, 2005  
Reply to Office Action of April 22, 2005  
Docket No. BOC9-2003-0082 (450)

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Office Action of April 22, 2005 (Office Action). This response is filed after the 3-month shortened statutory period, and as such, a retroactive extension of time is hereby requested. The Examiner is authorized to charge the appropriate extension fee to Deposit Account 50-0951.

In paragraph 2 of the Office Action, Claims 1-4, 11-14, and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Application No. 2002/0076020 to Azami, *et al.* (hereinafter Azami), filed September 10, 1998, and published June 20, 2002. In paragraph 3 of the Office Action, Claims 5, 6, 15, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Azami in view of U.S. Published Application No. 2003/0128821 to Luneau, *et al.* (hereinafter Luneau), filed January 4, 2002, and published July 10, 2003. In paragraph 5 of the Office Action, Claims 7, 8, 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Azami as applied to Claim 1 and in further view of U.S. Published Application No. 2002/0163999 to Farris, *et al.* (hereinafter Farris), filed April 17, 2002, and published November 7, 2002. In paragraph 6 of the Office Action, claims 9, 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Azami as applied to Claim 1 and in further view of U.S. Published Application No. 2003/0021393 to Caharel, *et al.* (hereinafter Caharel), filed May 15, 2001, and published January 30, 2003.

Independent Claims 1, 11, and 21 have been amended to further emphasize certain features of Applicants' invention. These amendments are supported throughout the Specification, and no new matter has been added by virtue of the amendments. (See, e.g., Specification, paragraphs 0007, 0008, 0016, 0017, 0021, and 0026.)

#### **I. Applicants' Invention**

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the references cited in the Office Action. The invention, for example,

Appln. No. 10/730,846  
Amendment dated Aug. 22, 2005  
Reply to Office Action of April 22, 2005  
Docket No. BOC9-2003-0082 (450)

provides for detecting an off-hook event and notifying the event to a user of a combination that includes both a telephone device and a computing device. (See Specification, paragraphs 0006 and 0013.

One embodiment of the invention is a method for handling an off-hook event. The method includes detecting an off-hook event with a modem communicatively linked to a circuit loop in which the off-hook event occurs. The detection, more particularly is based upon detecting voice activity and/or data activity within the circuit loop. (Specification, paragraphs 0007, 0008, 0016, 0017, and 21.)

Voice activity, more particularly encompasses conversation conveyed over the circuit loop; data activity includes the transmission of data over the loop. (See, e.g., Specification, paragraph 26.) The method further includes initiating one or more programmatic actions within a computing device communicatively linked to the modem, and conveying an off-hook notification as a result of the programmatic action.

## **II. The Claims Define Over the Prior Art**

As already noted, independent Claims 1, 11, and 21 were rejected as being anticipated by Azami. Applicants respectfully submit, however, that Azami fails to expressly or inherently teach every feature of Claims 1, 11, and 21, as amended.

Azami is directed to a communication support system. The system of Azami uses a "ringing sound control processing routine and a determination processing routing" that are carried out "in parallel." (See, e.g., Paragraphs 0017, 0055, and 0058.) The support system is used to control "a telephone unit in response to [a] call from [a] telephone network." (Paragraph 0017; See also Abstract.)

One feature of the communication support system of Azami is the recognition of an off-hook state of the telephone unit. (Paragraphs 0063, 0185, 0195.) Azami fails to detect an off-hook event as taught by Applicants' invention, however. Neither the event

Appln. No. 10/730,846  
Amendment dated Aug. 22, 2005  
Reply to Office Action of April 22, 2005  
Docket No. BOC9-2003-0082 (450)

detected nor the mechanism for detecting the event in Azami are comparable to Applicants' invention.

Azami's recognition of an off-hook state is done conventionally using a "DC detection unit." (Paragraphs 0063 and 0195.) In particular, the DC detection unit of Azami "monitors a change of direct current (DC) flowing through the telephone unit from an ON state to an OFF state." The DC detection unit only recognizes an off-hook state of the telephone unit by detecting "a change in the direct current flowing through the telephone unit." (Paragraph 0063.) Accordingly, Azami does not teach, either expressly or inherently, Applicants' invention, which provides a more sophisticated mechanism of detection.

As explicitly recited in Claims 1, 11, and 21, as amended, Applicants' invention detects an off-hook event, not on the basis of an unvarying flow of current, but rather on the basis of detecting at least one of voice activity and/or data activity in a circuit loop. As pointed out in the Specification, voice activity encompasses a conversation carried over the circuit loop, and data activity includes the transmission of data over the circuit loop. (Specification, paragraphs 0007, 0008, 0016, 0017, 21, and 26.) Azami's convention technique of detecting an off-hook state is silent as to both of these aspects of detection.

Azami does not expressly or inherently teach detecting an off-hook event based on detecting voice activity in a circuit loop, nor does Azami expressly or inherently teach detecting data activity in a circuit loop. All that Azami provides is conventional detecting of a DC current through a telephone device. Accordingly, Azami's detecting is far more limited than the mode of detection taught by Applicants' invention.

Applicants respectfully assert that whereas Azami fails to expressly or inherently teach each of the features recited in amended independent Claims 1, 11, and 21, the claims are not anticipated by the prior art. Applicants further respectfully assert that whereas each of the remaining claims depend from one of amended independent Claims

Appln. No. 10/730,846  
Amendment dated Aug. 22, 2005  
Reply to Office Action of April 22, 2005  
Docket No. BOC9-2003-0082 (450)

1, 11, and 12 while reciting additional features, these dependent claims likewise define over the prior art. Applicants, therefore, respectfully request withdrawal of the rejection of Claims 1-21.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: August 22, 2005



Gregory A. Nelson, Registration No. 30,577  
Richard A. Hinson, Registration No. 47,652  
AKERMAN SENTERFITT  
Customer No. 40987  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000